

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
MANHATTAN DIVISION**

**CASE NO.: 1:22-cv-00095**

AJAY SURESH,

Plaintiff,

v.

TRADED MEDIA, LLC.,

Defendant.

**COMPLAINT FOR COPYRIGHT INFRINGEMENT  
(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff AJAY SURESH by and through his undersigned counsel, brings this Complaint against Defendant TRADED MEDIA, LLC. for damages and injunctive relief, and in support thereof states as follows:

**SUMMARY OF THE ACTION**

1. Plaintiff AJAY SURESH (“Suresh”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Suresh's original copyrighted Work of authorship.

2. Our client is an experienced, self-taught photographer, who has been capturing street and travel photographs for more than five years.

3. Defendant TRADED MEDIA, LLC. (“Traded-Media”) is a company which posts transactions involving commercial real estate. At all times relevant herein, Traded-Media owned and operated the internet website located at the URL [www.traded.co](http://www.traded.co) (the “Website”) as well as its account on social media at <https://www.instagram.com/tradedny/?hl=en> (“Instagram”).

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4. Suresh alleges that Traded-Media copied Suresh's copyrighted Work from the internet in order to advertise, market and promote its business activities. Traded-Media committed the violations alleged in connection with Traded-Media's business for purposes of advertising and promoting sales to the public in the course and scope of the Traded-Media's business.

### **JURISDICTION AND VENUE**

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in New York.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

### **DEFENDANT**

9. Traded Media, LLC. is a New York Limited Liability Company, with its principal place of business at 250 E 53rd Street, New York, NY 10022, and can be served by serving its Registered Agent, THE LLC, 250 E 53RD ST, NEW YORK, NY 10022.

### **THE COPYRIGHTED WORK AT ISSUE**

10. In 2019, Suresh created the photograph entitled "Touro College", which is shown below and referred to herein as the "Work".



11. Suresh registered the Work with the Register of Copyrights on July 29, 2019 and was assigned the registration number VA 216-4-937. The Certificate of Registration is attached hereto as Exhibit 1.

12. Suresh's Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

13. At all relevant times Suresh was the owner of the copyrighted Work at issue in this case.

**INFRINGEMENT BY DEFENDANT**

14. Traded-Media has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, Traded-Media copied the Work.

16. On or about January 20, 2021, Suresh discovered the unauthorized use of his Work on the Website. The Work was used on Instagram to reflect a loan made by Apple Bank Savings. The Work has imprinted upon it a picture of Justin Horowitz of Cooper Horowitz, LLC with a loan amount for \$15,500,000.

17. Traded-Media copied Suresh's copyrighted Work without Suresh's permission.

18. After Traded-Media copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its advertisements and activities through social media.

19. Traded-Media copied and distributed Suresh's copyrighted Work in connection with Traded-Media's business for purposes of advertising and promoting Traded-Media's business, and in the course and scope of advertising and selling products and services.

20. Suresh's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

21. Traded-Media committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

22. Suresh never gave Traded-Media permission or authority to copy, distribute or display the Work at issue in this case.

23. Suresh notified Traded-Media of the allegations set forth herein on July 22, 2021 and September 8, 2021. To date, Traded-Media has failed to respond to Plaintiff's Notices. Copies of the Notices to Traded-Media are attached hereto as Exhibit 3.

**COUNT I  
COPYRIGHT INFRINGEMENT**

24. Suresh incorporates the allegations of paragraphs 1 through 23 of this Complaint as if fully set forth herein.

25. Suresh owns a valid copyright in the Work at issue in this case.

26. Suresh registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

27. Traded-Media copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Suresh's authorization in violation of 17 U.S.C. § 501.

28. Traded-Media performed the acts alleged in the course and scope of its business activities.

29. Traded-Media's acts were willful.

30. Suresh has been damaged.

31. The harm caused to Suresh has been irreparable.

WHEREFORE, the Plaintiff Ajay Suresh prays for judgment against the Defendant Traded Media, LLC. that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Plaintiff his actual damages and Traded-Media's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;

c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Plaintiff be awarded pre- and post-judgment interest; and

e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: January 5, 2022

Respectfully submitted,

/s/ Joseph A. Dunne  
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